

## **REMARKS**

In view of the above amendments and the following remarks, reconsideration of the rejections contained in the Office Action of November 24, 2006 is respectfully requested.

By this Amendment, claims 21-40 have been amended and are currently pending. No new matter has been added by these amendments.

On pages 2-3 of the Office Action, the Examiner rejected claims 21-40 under 35 U.S.C. § 112, second paragraph, as being indefinite. In particular, the Examiner asserted that the claims are incomplete for omitting essential elements, and for omitting essential structural cooperative relationships of the elements. Specifically, in item 2 of the Office Action, the Examiner rejected claims 21-23 and 40 as being incomplete for omitting the housing, which the Examiner asserted is needed to allow the entrainment member to be displaceable and to releasably couple the holding member. In order to address this rejection, independent claim 21 has been amended to include the housing, as required by the Examiner.

Further, in item 4 of the Office Action, the Examiner rejected claims 21-40 for omitting the structural cooperative relationship between the carrier rail and the extension rail. In order to address this rejection, independent claim 21 has been amended to recite a carrier rail to be mounted to an article of furniture, an extension rail to be mounted to a drawer, and that the extension rail is displaceable relative to the carrier rail. Therefore, it is respectfully submitted that claim 21, as amended, recites the structural cooperative relationship between the carrier rail and the extension rail.

In addition, in item 5 of the Office Action, the Examiner rejected claims 21 and 22 for omitting the structural cooperative relationship between the releasing mechanism and the entrainment member or any other element. In order to address this rejection, claim 21 has been amended to recite that the second spring has "a first end releasably coupled to said entrainment member by a releasing mechanism." Therefore, it is respectfully submitted that claim 21, as amended, recites a structural cooperative relationship between the second spring, the releasing mechanism and the entrainment member.

Further, in item 3 of the Office Action, the Examiner rejected claims 21-27 and 35-40 as being incomplete for omitting the elements that allow the second spring to alternately couple to the entrainment member or to the housing. In particular, the Examiner asserts that the coupling

member, rocker member, linear displaceable slider, latching noses and holding surfaces are essential elements which have been omitted. In this regard, it is noted that independent claim 21 has been amended to recite that the second spring has a first end releasably coupled to the entrainment member by a releasing mechanism. Therefore, amended claim 21 now recites the element (the releasing mechanism) that allows the second spring to be releasably coupled to the entrainment member.

Further, it is noted that “breadth of a claim is not to be equated with indefiniteness.” In re Miller, 441 F.2d 689 (CCPA 1971). “If the scope of the subject matter embraced by the claims is clear, and if applicants have not otherwise indicated that they intend the invention to be of a scope different from that defined in the claims, then the claims comply with 35 U.S.C. § 112, second paragraph.” MPEP § 2173.04. Therefore, the fact that the releasing mechanism is further defined in the dependent claims does not necessitate that those further limitations be included in independent claim 21 in order for claim 21 to comply with § 112, second paragraph. The scope of amended claim 21 is clearly recited as including a second spring having a first end releasably coupled to the entrainment member by a releasing mechanism, and that the releasing mechanism is operable to release the first end of the second spring from the entrainment member while the entrainment member moves along a path of movement. Thus, claim 21 recites the necessary components and relationships between those components which define the scope of claim 21. It is further submitted that the Applicant has not otherwise indicated that he intends the invention to be of a scope different from that defined in the claims. The intended scope of the invention, as stated on page 1, lines 12-14 of the original specification, corresponds to the scope defined by claim 21. Therefore, it is respectfully submitted that amended claim 21 and the claims that depend therefrom comply with 35 U.S.C. § 112, second paragraph.

On page 3 of the Office Action, the Examiner rejected claim 21 under 35 U.S.C. § 102(b) as being anticipated by Blum (DE 202 17 975). On page 4 of the Office Action, the Examiner rejected claim 22 under 35 U.S.C. § 103(a) as being unpatentable over Blum. For the reasons discussed below, it is respectfully submitted that these claims, including amended independent claim 21, are clearly patentable over the prior art of record.

Independent claim 21, as amended, recites a pull-out guide assembly which includes a carrier rail to be mounted to an article of furniture, and an extension rail to be mounted to a

drawer, with the extension rail being displaceable relative to the carrier rail. Claim 21 further recites a holding member fixed to the extension rail, a housing fixed to the carrier rail, and an entrainment member releasably coupled to the holding member, with the entrainment member being displaceable within the housing. The pull-out guide assembly of claim 21 also includes a first spring having a first end fixed to the entrainment member, and having a second end anchored to the carrier rail. Claim 21 further recites *a second spring having a first end releasably coupled to the entrainment member by a releasing mechanism*, and having a second end anchored to the carrier rail. In addition, claim 21 recites that *the releasing mechanism is operable to release the first end of the second spring from the entrainment member while the entrainment member moves along a path of movement*.

Blum discloses a retraction device which, as shown in Figs. 1-7, includes an entrainment member 12 and two springs 14. The springs 14 are anchored at one end 15 and are connected to the entrainment member 12 at the other end. On page 6 of the Office Action, the Examiner notes that since the releasing mechanism of original claim 21 “is not connected to anything the Examiner considers the releasing mechanism to be a person’s hand or screwdriver and therefore the retraction device of Blum is capable of having the second spring released from the entrainment member by a releasing mechanism.” However, as stated above, amended claim 21 recites that *the first end of the second spring is releasably coupled to the entrainment member by the releasing mechanism*. Blum discloses that both springs are attached directly to the entrainment member, and does not disclose that a first end of one of the springs is releasably coupled to the entrainment member by a releasing mechanism. Therefore, because amended claim 21 recites that the first end of the second spring is releasably coupled to the entrainment member by the releasing mechanism, the releasing mechanism cannot be “a person’s hand or a screwdriver” used in connection with the Blum reference.

In addition, because Blum does not disclose that a first end of one of the springs is releasably coupled to the entrainment member by a releasing mechanism, Blum also does not disclose *a releasing mechanism that is operable to release the first end of the spring from the entrainment member while the entrainment member moves along a path of movement*, as required by amended independent claim 21. Rather, as shown in Figs. 6 and 7, Blum discloses that both springs 14 remain attached to the entrainment member 12 along the entrainment member’s full

path of movement. Therefore, Blum does not disclose a releasing mechanism that is operable to release the first end of one of the springs from the entrainment member while the entrainment member moves along a path of movement. Accordingly, it is respectfully submitted that independent claim 21, as amended, is not anticipated by the Blum reference.

On page 5 of the Office Action, the Examiner indicated that claims 23-40 contain allowable subject matter, and would be allowable if rewritten to overcome the rejections under 35 U.S.C. § 112, second paragraph, and to include all of the limitations of the base claim and any intervening claims. As discussed above, claims 21-40 have been amended to overcome the rejections under § 112, and base claim 21 is distinguishable over the applied prior art for the reasons discussed above.

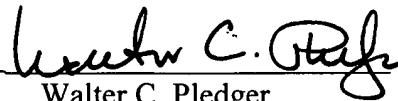
Therefore, it is respectfully submitted that amended independent claim 21, as well as claims 22-40 which depend therefrom, are clearly allowable over the prior art of record.

In view of the foregoing amendments and remarks, it is respectfully submitted that the present application is clearly in condition for allowance. An early notice to that effect is respectfully solicited.

If, after reviewing this Amendment, the Examiner feels there are any issues remaining which must be resolved before the application can be passed to issue, the Examiner is respectfully requested to contact the undersigned by telephone in order to resolve such issues.

Respectfully submitted,

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February 26, 2007